

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ANTHONY B. WASHINGTON,
Plaintiff,

JAMES HOWARD,
Defendant.

No. CIV 13-257-FHS-SPS

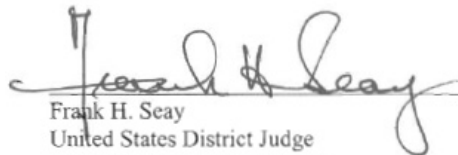
OPINION AND ORDER

On June 14, 2013, the court entered an order granting plaintiff leave to proceed in forma pauperis in this action. (Docket No. 4). On July 1, 2013, plaintiff's copy of the order was returned to the court marked, "return to sender, refused, unable to forward." (Docket No. 11). According to the DOC website at <http://www.ok.gov/doc>, plaintiff currently is incarcerated at Oklahoma State Penitentiary, where the order was mailed. On July 16, 2013, the court directed plaintiff to show cause why this action should not be dismissed for his failure to prosecute. (Docket No. 14). He was advised that failure to show cause as directed would result in dismissal of this action, but he has not complied.

Because plaintiff has failed to accept mail from the court, this action cannot proceed. Therefore, this action is dismissed without prejudice for failure to prosecute. *See Coleman v. Scott*, 22 F.3d 1094 (5th Cir. 1994) (holding that dismissal for failure to prosecute was proper when inmate refused to accept mail from the district court); *see also United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

DATED this 20th day of August, 2013.


Frank H. Seay
United States District Judge
Eastern District of Oklahoma